

## ARTICLE 32

### WORKFORCE RESTRUCTURING AND PLACEMENT SYSTEM

#### 1. Pre-Workforce Restructuring and Placement System (Pre-WRAPS)

**Process:** Prior to use of the WRAPS process, the parties at the appropriate level may develop and use a noncompetitive placement plan for employees affected by downsizing or changes to the organization. Any plan developed must conform with rules established by the National Parties *to ensure general servicewide consistency*.

#### 2. Workforce Restructuring and Placement System (WRAPS): WRAPS is a system for identifying and placing employees who are affected by the abolishment of encumbered position(s). Placements from the WRAPS involve priority consideration for agency vacancies involving noncompetitive reassignment, repromotion, or voluntary change to lower grade, or reduced tour. Affected employees do not receive priority consideration for promotion or reassignment to positions with higher promotion potential than that previously held on a permanent basis. For the purposes of this article, the following terms are defined:

- a. Affected employee: An employee who has been identified as subject to displacement due to the abolishment of a position in his or her same competitive area and competitive level.
- b. Vacancy: A position that Management decides to fill, regardless of whether the agency issues a specific vacancy announcement:
  - (1) Within the commuting area of the affected employee that is of a duration more than 120 days.
  - (2) Outside the commuting area of the affected employee that is not being filled on a time-limited basis.

- (3) Exceptions are listed in Title 5 Code of Federal Regulations Section 330.606(d).
- c. Competitive area: For the purpose of this article, “competitive area” is defined as:
- (1) Washington Office employees in the Washington, D.C., metropolitan area compete within the metropolitan area by Deputy Chief program area or the Chief’s program area, as applicable to their reporting structure.
  - (2) Law Enforcement and Investigations employees located outside the Washington, D.C., metropolitan area compete regionwide within Law Enforcement and Investigations.
  - (3) Job Corps Center employees compete centerwide. Job Corps employees in the Denver field office compete officewide.
  - (4) Employees of a regional office compete with other employees of that same regional office who are in the same commuting area.
  - (5) Employees of a national forest compete with other employees of that same national forest who are in the same commuting area.
  - (6) Employees of a research station compete with other employees of that same research station who are in the same commuting area.
  - (7) Employees of the International Institute of Tropical Forestry (IITF) compete with other employees of the institute who are in the same commuting area.
  - (8) Employees of State and Private Forestry in the Northeastern Area compete with other Northeastern Area employees who are in the same commuting area.
  - (9) When a position or group of positions is detached from its administrative unit (meaning only the following units: Washington Office, regional office, national forest, station, Northeastern Area, or

IITF), employees in those positions will compete with other employees in the same commuting area and same administrative unit.

(10) In nontraditional organizations that do not readily fit any of the descriptions under items (1)-(9) above, either party at the local or intermediate level will be given the opportunity to negotiate at the intermediate level to establish a competitive area for that nontraditional organization. Any agreement reached at the intermediate level is contingent upon the approval of both Parties at the national level.

- d. Commuting area: For purposes of defining the commuting area under WRAPS, the same definition will be used as in Article 35, Section 8.d.
- e. Competitive level: The same definition will be used as in Article 35, Section 8.e.

**3. Identification of Positions to Be Abolished:** For the purposes of this article, positions to be abolished are those encumbered positions that Management has decided to eliminate within the current or next fiscal year for lack of funds, lack of work, or through changes in organization. Decisions will be made through an analysis of workload; an assessment of the projected program of work, including anticipated budgets; and an analysis of the workforce, including the kind of skills, the number of positions with those skills needed, and the locations of those positions. The Parties agree that such changes will be subject to notification requirements to the Union as articulated elsewhere in this Master Agreement. Civil Rights Impact Analysis will also be conducted as required by agency regulations.

**4. Employees Subject to Displacement:** When reductions-in-force (RIFs) and WRAPS are being conducted simultaneously within a given competitive area, the order of displacement will be in accordance with RIF identification procedures. The RIF identification order will be used to identify who goes on WRAPS for potential placement outside the competitive area. WRAPS will not

be used for placements of employees in the competitive area when a RIF is also being conducted in that competitive area unless the vacancy will not be filled through RIF, in which case WRAPS procedures will be used as appropriate. When WRAPS is being conducted alone and more than one employee is covered by the category, preference will be given to employee(s) according to leave service computation date (SCD), most service first in categories (1), (2) and (5) below. Employee(s) in category (6) will be identified according to leave SCD, least service first. Only employees identified in categories (3) through (6) will be registered in the WRAPS database for placement.

a. Order of identification: When one or more positions have been identified for abolishment within the same competitive level and the same competitive area, Management will identify employees subject to displacement in the following order:

- (1) Employees who formally decide to retire under optional retirement rules; employees who make a voluntary, irrevocable written decision within 10 days of being notified of Management's decision to abolish a position within their competitive level. Retirement effective dates must be within 75 days of the original notice.
- (2) Employees who make a voluntary, irrevocable written decision to resign or who have accepted in writing an offer of employment outside the Forest Service with an effective date within 75 days from the date of notification of the decision to abolish a position(s) in the employee's competitive level. This written election must be received from the employee within 10 days of the Subsection 4.b.(1) notification of Management's decision to abolish a position(s). The timeframe may be shorter or longer as may be mutually agreeable between the employee and Management.
- (3) Employees who are under a specific RIF separation notice.

- (4) Employees under RIF who are released from the competitive level through demotion.
- (5) Employees who make a voluntary, irrevocable decision to be designated as the affected employee.
- (6) Other employees in the competitive level.

b. Notifications:

- (1) When there are multiple employees in the same competitive area and competitive level, and Management has decided to abolish some but not all of the positions, employees in the affected competitive level and competitive area will be notified by letter. Responses to the notice will be used in the order of identification (Subsection 4.a). The letter will contain or reference:
  - (A) The rationale for the abolishment(s).
  - (B) The title, series, grade, organizational unit, and duty station of the position(s) to be abolished in the competitive level.
  - (C) The number of employees in the competitive level.
  - (D) Voluntary options available for employees to retire, resign, be placed outside the Forest Service or be the affected employee to be placed on the WRAPS list.
  - (E) National information about voluntary options to retire, resign, be placed outside the Forest Service, or be the affected employee to be placed on WRAPS.
  - (F) Information about Voluntary Early Retirement Authority (VERA) and/or Voluntary Separation Incentive Program (VSIP) options, if applicable.
  - (G) Response timelines for any actions to be initiated by the employee.
  - (H) Notice of the availability of employee assistance program services.
  - (I) An initial point of contact for additional information.

- (2) When Management identifies the affected employees, the affected employees will be notified by letter, in person if possible. The letter will contain:
- (A) An explanation of the reasons why the position, which precipitated the employee's being affected, was identified, including linkages to program of work, budget, and/or organizational changes as determined in the unit's workforce analysis (See Section 3).
  - (B) How the subject employee was identified in accordance with the process contained in Section 4.a and 4.b, including the employee's SCD.
  - (C) A person(s) to contact for any additional information regarding contents of the letter.
  - (D) Appropriate use of official time, travel, and access to Government facilities and equipment, including the employee's self-initiated placement and/or employment efforts.
  - (E) A statement that the letter serves as the official agency certification of the employee's eligibility for U.S. Department of Agriculture (USDA) Career Transition Assistance Plan (CTAP).
  - (F) Reference to dispute resolution forums available in Article 9.
  - (G) WRAPS registration procedures and a copy of the employee's preregistration record.
- (3) A copy of these notices will be given to the Local Union and, if a "formal discussion" is held, Union representation will be honored as identified in Article 5, Section 4.

c. WRAPS registration procedures:

- (1) Affected employees will be registered on a national, password-protected WRAPS database. Management will preregister the employees once they have been notified that they will be placed on WRAPS. Preregistration will create a record in the database that

will automatically include listing the employee for positions in his or her current commuting area, series, and grade.

- (2) Each employee will be asked to do the following:
  - (A) View his or her record.
  - (B) Identify his or her last three jobs and the major duties involved.
  - (C) Record the grade(s) that he or she will voluntarily accept and up to 10 geographic preferences.
  - (D) Identify his or her interest in local commuting area time-limited vacancies less than 1,040 hours or 1,040 hours or more of duration.
  - (E) Specify any special needs associated with placement.
  - (F) Identify erroneous information in the official record.
  - (G) Where an employee's access to computers is limited, the employee will view, record preferences, and identify corrections on a hard copy. The employee will send the hard copy information to his or her Servicing Human Resources Office (SHRO) and that SHRO will verify the information and enter it into the database.
- (3) After an employee's preferences are received, the employee will be offered the opportunity to communicate with the SHRO to discuss other series for which they may be qualified and the implications of their grade and geographic preferences, and to make changes within 5 days of that discussion. After the employee enters their preferences, the SHRO will enter the occupational preferences for which the employee qualifies.
- (4) Unless there are exigent circumstances, registration will generally occur within 14 days of initial preregistration. In addition, unless the agency SHRO is notified of circumstances that warrant an exception prior to that time, activation will occur on the 15th day. When notification about exigent circumstances has occurred, the

registration will be incorporated into the system as soon as possible after the exigency has been resolved.

- (5) Once registered, an employee may view his or her electronic record in the WRAPS database at any time. The employee will be offered the opportunity to make changes in his or her geographic and grade preferences during the first 3 workdays of every calendar month. Notice will be provided electronically. After his or her initial registration is activated, whenever the employee wishes to change his or her occupational preferences, he or she will need to contact the SHRO that will enter the occupational preferences for which the employee qualifies.
- (6) “Read only” access to the WRAPS employee database will be provided to the Union at the national level. WRAPS reports available in the database for this access will be sanitized to protect employee privacy interests. Access to individual information will not be shared below the intermediate level. Summarized statistical information may be shared to the local level.

## **5. Placement from WRAPS:**

### **a. Placement support:**

- (1) Employees will be counseled and afforded every opportunity to find a new position based on organizational needs and their career goals and personal needs.
- (2) In accordance with U.S. Office of Personnel Management (OPM) guidelines, Management may consider retraining the employee or modifying qualification standards, excluding positive education requirements, to allow the employee to meet the qualifications of a vacant position within a specified period up to 365 days of occupying the position.



- (3) Management will pay transfer-of-station benefits for affected employees who are reassigned as authorized by Forest Service policy.
  - (4) Affected employees on details will be provided opportunities to continue placement efforts, with Management affording them accommodations to mitigate any adverse effects created by the detail (for example, physical isolation and access to communications).
  - (5) Outplacement services for affected employees, consistent with the agency Career Transition Assistance Plan (CTAP) policy, may be negotiated at the appropriate level.
- b. Government placement programs: Management will offer identified employees enrollment in and an explanation of placement assistance programs, operated by other agencies, for which they are qualified, including:
  - (1) The Interagency Career Transition Plan for permanent employees in surplus positions administered by the Office of Personnel Management (OPM) and other governmentwide programs.
  - (2) The USDA Reemployment Priority List and CTAP.
  - (3) The Workforce Investment Act of 1998, Public Law 105-220 programs.
- c. Placement in time-limited vacancies: When an employee has been placed in a time-limited vacancy from WRAPS, his or her placement priority will remain active if the time-limited position is less than 1,040 hours of duration. If the temporary assignment is 1,040 hours or more, the employee's placement priority will be inactive until 60 days before the expiration of the time-limited assignment at which time his or her placement priority will be reestablished in the WRAPS data base and his or her 60-day voluntary placement period will start anew. The

employee will not receive a new notice under Section 4.c. (2) of this article, but will have an opportunity to update his or her registration information. When an employee has been placed in a time-limited position, his or her career tenure and position of record are not affected.

- d. Order of placement: The following order of placement of employees will be observed. Except where otherwise noted, placements will be made from employees qualified for the position to be filled.

- (1) Commuting area. When multiple employees are eligible for placement within a following subcategory, ties will be broken in order of leave SCD (most service first):

- (A) Matches within the same nationally established competitive level (without the suffix).

- (B) Matches at the same grade level.

- (C) Noncompetitive repromotion eligibles.

- (D) Voluntary changes to less than full-time year-round tours of duty.

- (E) Voluntary changes to lower grades.

- (F) Other USDA CTAP employees who are well qualified for the position.

- (G) Employees who do not meet qualifications for the position to be filled but for whom Management has voluntarily chosen to modify qualifications.

- (2) Employee preference for location. When multiple employees are eligible for placement within a following subcategory, ties will be broken in order of leave SCD (most service first):

- (A) Direct matches (reassignments of the employee's job—80 percent or more accuracy standard of the position description—to a new location).

- (B) Matches within the same nationally established competitive level (without the suffix).
  - (C) Matches at the same grade level.
  - (D) Noncompetitive repromotion eligibles.
  - (E) Voluntary changes to less than full-time, year-round tours of duty.
  - (F) Voluntary changes to lower grades.
- (3) Locations outside employee preferences. When multiple employees are eligible for placement within a following subcategory, ties will be broken in order of leave SCD (most service first):
- (A) Direct matches (reassignments of the employee's job—80 percent or more accuracy standard of the position description-- to a new location).
  - (B) Matches within the same nationally established competitive level (without the suffix).
  - (C) Matches at the same grade level.
  - (D) Noncompetitive repromotion eligibles.
  - (E) Voluntary changes to less than full-time, year-round tours of duty.
  - (F) Voluntary changes to lower grades.
- (4) Nonselection of employees from the WRAPS shall be based on legitimate job-related reasons.
- e. Offers of placement:
- (1) All offers of placement will be made through the employee's home unit and will be communicated to the employee within 2 days. The communication will include whether it is a contingent offer or firm offer.
  - (2) Multiple employees may be offered a specific position at the same time on a contingency basis if there is more than one employee on WRAPS who may potentially match the position. The person with

the highest assignment rights will receive the offer as a firm offer. The other employees receive offers contingent upon the availability of the position should employees with higher assignment rights refuse the offer. Contingent offers will only be made to employees if all potential matches are outside the commuting area.

- (3) If the employee with the highest assignment right refuses the offer, the assignment will then be made in the order of the matching process outlined in Subsection 5(d) above for those employees who said they would accept a contingent offer. Only declinations when the employee is reached for the assignment will count against the limit described in item (7) below.
- (4) An employee may have more than one contingent offer at a given time.
- (5) Employees will have up to 3 days to respond to offers within their commuting area.
- (6) Employees will have up to 10 days to respond to offers outside their commuting area.
- (7) If an employee receives three offers outside his or her commuting area that meet his or her listed preferences and declines the offers, no further consideration will be given to the preferences of that employee.
- (8) When an employee initiates or voluntarily accepts a move to a lower graded position, grade and pay retention will be granted if the move has a positive effect on another employee and/or such action will assist Management in advancing its objectives and reduce or avoid adverse impacts on employees and the agency's mission.
- (9) Unless otherwise placed, an employee will be given the opportunity to remain on the WRAPS list for a period of not less than 60 calendar days.

- f. Involuntary placement by directed reassignment: Any employee placed on the WRAPS may be subject to a directed reassignment. When Management exercises its right to make directed reassignments to employees from WRAPS, the following procedures will be followed:
- (1) An employee may be directed to an appropriate position within their commuting area at any time during the WRAPS listing. The order of these directed reassignments will be as described in Section 5(d)(1) of this article.
  - (2) After 60 days on the WRAPS list, all employees identified for displacement placed on the WRAPS may be subject to a directed reassignment outside their commuting area. The order of these directed reassignments will be as described in Section 5(d)(2) and (3) of this article, except that voluntary reductions in tour or voluntary changes to lower grade will not be directed.
  - (3) If the involuntary reassignment is within a forest, Job Corps Center, Washington Office, regional office, area, station, or technology and development center, a copy of the notification will be provided to the Local. If the reassignment is between units, a copy of the notification will be provided to the Council Vice President.
  - (4) The reporting date for directed reassignments will not be less than 60 days from the notification date unless agreed to by the employee. If the new position is in the same commuting area, the effective date may be less than 60 days.
  - (5) Employees will have 10 days to accept or refuse a directed reassignment outside of their commuting area.
  - (6) Employees who have been given a directed reassignment to another position within the Forest Service will be given priority placement consideration for a 2-year period following the effective

date of their directed reassignment according to the following conditions:

(A) Their former or like position has been reestablished and is announced.

(B) The employee applies to the vacancy announcement of their former or like position.

(C) In accordance with the Order of Consideration as identified in the Merit Promotion Plan, there is no one with greater placement rights to the vacancy.

(7) Employees will receive written notice of their priority consideration rights when they are given a directed reassignment.

(8) Priority consideration applicants will inform the SHRO in writing of their entitlement to their priority consideration.

**6. System Review and Evaluation:** The Parties have jointly developed a memorandum of understanding that describes the process to review and evaluate WRAPS.

- a. The Parties agree that the WRAPS will be monitored by the Parties at the national level to determine if there are systemic problems.
- b. The identification of any systemic WRAPS problems, including those attributable to contract provisions, will be jointly examined by the National Parties and appropriate corrective action will be taken.